

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR.

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S.B. CIVIL WRIT PETITION NO.3272/2005

Rameshwar Lal

Versus

The State of Rajasthan and ors.

Date of Order : 12.7.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr.C.S. Kotwani, for the petitioner/s

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The instant petition has been filed by the petitioner challenging the impugned order dated 24.8.2004 (Annex.-2) by which the petitioner was transferred from Kuchaman City to Godhas, Tehsil Mandal, District Bhilwara and the impugned order dated 6.12.2004 (Annex.-4) by which the petitioner was directed to be relieved from Kuchaman City to Godhas, Tehsil Mandal, District Bhilwara may kindly be quashed and set-aside qua the petitioner with all consequential benefits.

The petitioner was promoted to the post of Head Master w.e.f. 7.9.2003 and was posted at Govt. Shri Sagarmal Banunda Secondary School No.2, Kuchaman City, District Nagaur. However, within a period of less than one year the petitioner was transferred from Kuchaman City to Godhas. On account of elections all the transfer orders was stayed in general and therefore, the petitioner did not challenge the order of transfer dated 24.8.2004 (Annex.-2) before the Rajasthan Civil Services Appellate Tribunal now by order dated 6.12.2004 (Annex.-4) the petitioner has been directed to be relieved. However, the transfer order could not be implemented as the relieving order was not duly served on the petitioner.

Being aggrieved by the order dated 24.8.2004 (Annex.-2) and order dated 6.12.2004 (Annex.-4), the petitioner preferred an appeal before the Rajasthan Civil Services Appellate Tribunal, Jaipur which is still pending.

The petitioner has filed the present writ petition challenging the order of transfer as the State

Government has made amendment in the Rajasthan Service Appellate Tribunal act, 1976 that the transfer matter will be heard by minimum three members bench, hence in want of members, Three members bench has not been constituted and the case of the petitioner has not been taken up by the learned Tribunal.

It has also been averred by the petitioner that he had joined the duties at transferred place on 22.12.2004.

Heard learned counsel for th petitioner.

The petitioner is suffering very much and the matter is not being decided expeditiously, due to the non-constitution of three Members bench of the Tribunal, whereas circumstances compel the matter to be decided as early as possible to redress the grievance of the party concerned.

In view of the aforesaid facts and circumstances, I deem it just and proper to direct the learned Appellate Tribunal to decide the appeal filed

by the petitioner expeditiously as early as possible, preferably within a period of one month from the date of receipt of certified copy of this order.

The parties are directed to participate in the proceedings, pending before the Tribunal, without seeking any unnecessary adjournments.

With the aforesaid observations and directions, the writ petition stands disposed of. There will be no order as to costs.

(R.P. VYAS)J.

Rm/